



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,759	08/26/1999	JEAN-CLAUDE JUNQUA	9432-000082	7006

7590 04/23/2003

HARNESS DICKEY & PIERCE PLC
P O BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 04/23/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

21

Office Action Summary

Application No.

09/383,759

Applicant(s)

JUNQUA ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

Applicant's arguments regarding claims 1, 3, 5-6, 809, 11-13, 15 and 17-20, filed on 02/13/03 have been fully considered and but are not persuasive.

Applicant argues "...nothing about Morin patent indicates that such assumptions are based upon a set of suitable factors, much less such a set that has been filtered to remove one or more otherwise-suitable factors due to a context of at least one dialog exchange in the dialog history data file related to the otherwise suitable factors, respectively."

In response, Morin discloses, "The dialog system keeps track of the dialog being run by maintaining a dialog history. The dialog history contains dialogue turns or exchanges already made and in the context in which they occur", see Col. 3, lines 11-13. Thus, Morin by maintaining a dialog history, Morin 's system able to present to user only necessary information based on "dialogue turns or exchanges" already made and stored in the history file. In doing so, Morin filters out all information corresponded to/related to "dialogue turns or exchanges already made" during conversation with the system in which the user does not need to know in order to understand the sentence generated by the system's dialog.

Moreover, Morin discloses "because the dialogue system has a knowledge of ongoing dialog—through the dialog history and immediate context--- it s possible for the system to predict what can be said next according to the dialog model." (Col. 4, lines 5-8). Thus, Morin 's system is clearly encompassing the applicant's argument.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 5-6, 8-9, 11-13, 15 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 5353121) in view of Houser et al. (US 5774859) and further in view of Coughlin (US 5878386) and further in view of Morin et al. (US 5748841).

Regarding claim 1, Young et al. discloses an interactive replay system for organizing recorded items of program content, the system having access to an EPG that stores EPG attribute information for items of program content (Col. 11, lines 65-Col. 12, lines 6), comprising:

A memory having a data structure for storing the location of a recorded item of program content in association with at least one electronic program guide attribute selected from the group consisting of: program title identifier, program category, broadcasting network, date of broadcast, time of broadcast, actors and directors (Fig. 13, Col. 12, lines 36-51).

An interface for receiving EPG attribute information about a specific item of program content to be stored (fig. 19 and 20; Col. 4, lines 49-Col. 5, lines 10).

Art Unit: 2611

A file writes mechanism that automatically stores the EPG attribute information about the item of program content to be stored in the data structure (Col. 4, lines 52-59 and Col. 12, lines 43-51);

Young fails to disclose a **speech recognizer** that receive a spoken request for the recorded item of program content and generates an input sentence corresponding to the spoken request, where the spoken request includes at least one electronic program guide attribute associated with the recorded item of program content; a **natural language parser** that receives the input sentence from the speech recognizer and identifies the at least one electronic program guide attribute from the speech recognizer and identifies the at least one EPG attribute from the input sentence; and a **dialog history data file** in the memory for storing a log of conversational data derived from previous spoken requests.

Houser discloses a **speech recognizer** (Col. 7, lines 45-60) that receive a spoken request for the recorded item of program content and generates an input sentence corresponding to the spoken request (Col. 15, lines 42-Col. 16, lines 20), where the spoken request includes at least one electronic program guide (Fig. 11 and 12B; Col. 22, lines 19-65+; Col. 25, lines 33-65+) attribute associated with the recorded item of program content; and a speech recognizer that receives the input sentence and identifies the at least one electronic program guide attribute from the speech recognizer and identifies the at least one EPG attribute from the input sentence (Col.4, lines 5-50).

Houser further discloses a dialog system (phonemic data of vocabulary) that interacts with a user to ascertain additional EPG attributes for the recorded item of program content (Col. 19, lines 27-55 and col. 26, lines 1-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify young by integrating a speech interface, as taught by Houser, in order to enhance the interface of the subscriber with the information system by allowing control using language which is naturally spoken by subscriber. Such natural language control affords ease of use as well as permitting the implementation of tasks, which are not easily implemented using menu screens and key presses (see Col. 2, lines 19-30 and Col. 32, lines 55-65).

Coughlin discloses **a natural language parser** that receives an input sentence wherein the natural language parser include asset of stored grammars (a comprehensive, broad-coverage lexicon or dictionary 64; Col. 7, lines 9-30) that extracts meaning from the input sentence (Abstract; Col. 6, lines 22-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young and Houser by using a natural language parser, as taught by Coughlin, so to assist Young and Houser's system in distinguishing words are used in different contexts and in applying rule to improve the accuracy and efficiency of the system (Col. 11, lines 5-15).

Morin discloses a dialog history data file in the memory for storing a log of conversational data derived from previous spoken requests (Col. 10; lines 10-25) wherein the dialog system that interacts with a user and with the dialog history data file

Art Unit: 2611

to ascertain what can be said next according to the dialog model (Col. 3, lines 11-21). Morin by maintaining a dialog history, Morin 's system able to present to user only necessary information based on "dialogue turns or exchanges" (set of suitable factors) already made and stored in the history file. In doing so, Morin filters out all information corresponded to/related to "dialogue turns or exchanges already made" during conversation with the system in which the user does not need to know in order to understand the sentence generated by the system's dialog. Moreover, Morin discloses because the dialogue system has a knowledge of ongoing dialog—through the dialog history (set of suitable factors) and immediate context (otherwise suitable factors) --- it is possible for the system to predict what can be said next according to the dialog model (Col. 4, lines 5-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young, Houser and Coughlin by having a dialog history data file in the memory, as taught by Morin, so the system could automatically takes into account what has been done and what can be done next. It makes it possible to prompt users with possible sentences or fragments of sentences that can be understood at that point in the dialog. The stored history is also available to allow the system to backtrack or revert to a previous point in the dialog, allowing the user to readily correct or change previously communicated dialogue, as suggested by Morin (Col. 3, lines 5-25).

Regarding claim 3, Young further discloses wherein the data structure further includes at least one user data attribute in association with the location of a recorded item of program content (Col. 12, lines 43-49).

Art Unit: 2611

Regarding claim 5, Young further discloses the user data attribute stores at least one user-defined index that identifies a user-defined location within a recorded item (Col. 11, lines 25-46).

Regarding claim 6, Young further discloses comprising storage system maintenance system that selectively erases previously recorded items of program content based at least in part upon the user data attribute (Col. 13, lines 15-29).

Regarding claim 8, Young shows wherein the interface for receiving EPG guide information comprises a tuner for retrieving EPG from a supplier of program content (Fig. 2A, element 202).

Regarding claim 9, same analysis with respect to method claim 1.

Regarding claim 11, Young further discloses wherein the storage medium is a tape memory (Fig. 22B, element 252).

Regarding claim 12, Young further discloses wherein the storage medium is an electronic memory (Fig. 22A, elements 234, 236, 238, 240).

Regarding claim 13, the apparatus claim 13 is analyzed with respect to the same limitations as method claim 1.

Regarding claim 15, see analysis of claim 3.

Regarding claim 17, see analysis of claim 5.

Regarding claim 18, see analysis of claim 6.

Regarding claim 19, Houser in combination with Young further discloses the interactive replay system further comprising a dialog system (Col. 19, lines 27-55; Col. 27, lines 9-Col. 28, lines 50) that interacts with a user to ascertain additional

Art Unit: 2611

electronic program guide attributes for the recorded item of program content (Young, Col. 12, lines 43-50).

Regarding claim 20, see analysis of claim 8.

Regarding claims 21 and 23, Morin further discloses an otherwise-suitable factor (previous context) is otherwise-suitable factor content for slot in a frame of a frame data structure (previous context data must be in a form of data structure, i.e. short-term and long-term context data, in order for the dialog system to perform as described; Col. 10, lines 2-15).

Regarding claims 22 and 24, Morin clearly shows a relationship between the dialog history and the otherwise-suitable factor (previous context) in which the dialog system has knowledge of an ongoing dialogue through the dialog history and immediate context, it is possible for the system to predict what can be said next according to the dialog model (Col. 4, lines 5-16). Thus, Morin clearly meets the claimed limitation in view of Young, Houser and Coughlin.

2. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 5353121) in view of Houser et al. (US 5774859) and further in view of Coughlin (US 5878386), and further in view of Morin (US 5748841), and further in view of Ohno et al. (US 5761371).

Regarding claim 4, Young, Houser, Coughlin and Morin do not specifically disclose the user data attribute stores a record of when the item of program content was viewed by user.

Art Unit: 2611

Ohno et al. discloses the user data attribute stores a record of when the item of program content was viewed by user (Fig. 6, element Y, Col. 6, lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young, Houser and Coughlin by assigning a symbol that represent eyes in the open state or the like as a data attribute in order to indicate the item of program content was viewed by user and history of play-back of the tape.

Regarding claim 16, see analysis of claim 4.

3. Claims 7, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 5353121) in view of Houser et al. (US 5774859) and further in view of Coughlin (US 5878386) and further in view of Morin (US 5748841) and further in view of Schein et al. (US 6075575).

Regarding claim 7, Young, Houser, Coughlin and Morin do not specifically discloses wherein the file write mechanism further comprises an Internet access system capable of accessing at least one internet-based provider of EPG information

Schein further discloses wherein the file write mechanism further comprises an Internet access system capable of accessing at least one internet-based provider of EPG information (Col. 12, lines 13-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young, Houser and Coughlin by providing a systems and methods for providing to viewer to

access Internet through an EPG in order to allow user to link, search, select and interact with information in a remote database on the internet.

Regarding claim 10, Schein further discloses wherein the storage medium is a disk memory (Fig. 3, element 66).

Regarding claim 14, Schein further discloses wherein the EPG information is further defined as an EPG guide attribute selected from group consisting of program title information, program category, broadcast network, date of broadcast, time of broadcast, actor and director (Fig. 4A, 5B, 5C, 6A-D, 7A-D, 8A-D, 9A-E, 10A-D; Col. 10, lines 29-50, Col. 12, lines 15-32).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2611

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:(703) 872-9314

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is :(703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

HT:ht
4/20/03


**ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**